IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUMMONS FOR JUDGMENT NO.507 OF 2006

IN

SUMMARY SUIT NO.1558 OF 2006

...

Dinesh atilal Shah ...Plaintiff

v/s.

Sanket Enterprises & Anr. ...Defendants

...

Mr.Shetty i/b Setty & Associates for the Plaintiff.

Mr.H. Modi for Defendant No.2

...

CORAM: D.K.DESHMUKH, J.

DATED: 23RD JANUARY,2007

P.C.:

By consent of parties summons for judgment is disposed of in following terms:-

(i) On the defendant depositing an amount of Rs.2,50,000/- (Rupees Two Lakh Fifty Thousand only) with due intimation to the Plaintiff in this court within a period of four weeks from today, the summons for judgment shall stand disposed of and leave to defend shall stand granted to the Defendant. In that event the Defendant to file written statement within a period of four weeks from the date of deposit.

(ii) On the amount being deposited, the Prothonotary & Sr.Master shall permit the Plaintiff to withdraw the amount on furnishing the bank guarantee of a nationalised bank to the satisfaction of the Prothonotary & Sr.Master and on filing an undertaking undertaking to this court to bring back the amount if so directed by this Court and on such terms and conditions as may be directed by this Court and in that event the rate of interest shall not be less

than 12% p.a.

(iii) In case the Defendant does not deposit the amount as directed above, then this summons for judgment shall stand granted and the suit of the Plaintiff shall stand decreed in terms of prayer clauses of the suit and in that event the Plaintiff shall also be entitled to refund of court fees.

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